



# புதுச்சேரி மாநில அரசிதழ்

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பொருளடக்கம்

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**GOVERNMENT OF PUDUCHERRY  
LABOUR DEPARTMENT**

(G.O. Rt. No. 11/AIL/Lab./T/2019,  
Puducherry, dated 13th January 2020)

**NOTIFICATION**

Whereas, an Award in I.D. (L) No. 40/2015, dated 09-10-2019 of the Industrial Tribunal-cum-Labour Court, Puducherry in respect of the industrial dispute between the management M/s. MRF Limited, Nettapakkam Commune, Puducherry and Thiru Ponnuram, Puducherry, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L., dated 23-5-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

**S. MOUTTOULINGAM,**  
Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL AT  
PUDUCHERRY**

*Present : Thiru V. PANDIARAJ, B.Sc., L.L.M.,  
Presiding Officer*

*Wednesday, the 9th day of October 2019.*

**I.D. (L) No. 40/2015**

Ponnuram,  
S/o. Kannan,  
No. 22-A, Manakula Vinayagar Nagar,  
Mangalam, Villianur Post,  
Puducherry. . . Petitioner

*Versus*

The Plant Head,  
MRF Limited, P.B. No. 1,  
Eripakkam, Nettapakkam Commune,  
Puducherry. . . Respondent

This Industrial Dispute coming on 18-09-2019 before me for final hearing in the presence of Thiru M. Ganesan, Counsel for the petitioner and Thiru L. Swaminathan, Counsel for the respondent, upon hearing, upon perusing the case records, after having stood over for consideration till this day, this Court passed the following:

**AWARD**

1. This Industrial Dispute has been referred by the Government as per the G.O. Rt. No. 80/AIL/Lab./J/2015, dated 13-07-2015 for adjudicating the following:

(a) Whether the dispute raised by the petitioner Thiru K. Ponnuram against the management of M/s. MRF Limited, Puducherry-over his non-employment is justifiable? If justified, what relief he is entitled to?

(b) To compute the relief, if any, awarded in terms of money if, it can be so computed?

2. *The brief averment of the petition filed by the petitioner:*

(i) The case of the petitioner is that he is a workman in the respondent establishment from 15-07-1998 and thereby he has more than 15 years of service as workman. The respondent company has more 1500 employees working under various sections. This petitioner's work nature is very much hard and therefore, he has often fell in ill health and it is due to work nature. Further, he got affected by stomach pain, eye problem and fever and all are due to his work nature. This petitioner faced all these kinds of short comings due to his work nature. Even then he has 15 years of service in the respondent company. Whenever this petitioner applied for ESI leave, on the basis of his eligibility criteria, the respondent/management refused to grant, the same and has marked him as absent in the register. The respondent management has adopted such kind of unfair labour practices to all other employees, then and there and it has been adopted by the respondent management for years long and the respondent management would permit the employees to the routine work only after getting the unconditional apology letter.

(ii) By adopting this kind of unlawful activity the respondent management has victimized so many employees and this petitioner was also put into threat and similar kind of unconditional apology letters were also received from this petitioner and this petitioner has given such kind of letter in order to save his employment in the respondent/management. The management utilized the abovesaid apology letters received from their employees for taking termination action at the time of its desire to remove any body from the factory. Further, the management is issuing unreasonable false charge-sheet and terminated them from the service and it is having a such habit for a long term and it is acting against the natural principles of justice and rule of law also. Likewise, this petitioner was issued a show cause notice, dated 06-08-2011, which is very vague and it

has not contained any details and therefore, this petitioner approached the respondent authorities, for which they have directed this petitioner to give unconditional apology letter as dictated by them and therefore, this petitioner has given such a kind of letter under the compulsion made by the respondent management as if, it was given on his own volition. While so, the enquiry proceedings letter was issued to this petitioner stating that the disciplinary proceedings were scheduled to be held on 14-11-2011 by the Enquiry Officer, by name Mr. K. Babu, B.A., B.L., and this petitioner has attended disciplinary proceedings wherein, the representative of the management by name, Yahuf Sheriff and Manikandan were present and the Enquiry Officer informed this petitioner that it was only a formal enquiry and he would not be removed from the service and he informed that he need not worried about the enquiry proceedings. At the time of enquiry, this petitioner represented that he was an innocent and uneducated person and therefore, he is in need of support of his colleague, and it was refused by the Enquiry Officer, and the Enquiry Officer did not permit him to cross-examine the management side witness and did not consider the ESI leave application, Medical Certificate, the document related to accident and the leave letters produced by this petitioner and the Enquiry Officer has acted in a biased manner and concluded the disciplinary proceedings as directed by the management on a single day in their favour. This petitioner has worked in the factory till 29-03-2012 and he was removed from service from 30-03-2012. This petitioner was not intimated about his termination from the service and therefore, this petitioner has approached the Conciliation Officer on 11-08-2013 and he has given his reply on 10-02-2014, against the objection made by respondent/management on 30-12-2013 and the conciliation proceedings also came to an end on 18-05-2015 due to its failure. This petitioner was removed from service against the principles of natural justice and against the provision of 2(oo) of I.D. Act, and on the basis of the biased report of the Enquiry Officer and against the rules and regulations enumerated in the standing order of the abovesaid respondent/management and hence, this petition has to be allowed, with the direction to reinstate the petitioner and with all other monetary benefits.

*3. The brief averment of the counter filed by the respondent:*

(i) This petition is not maintainable either in law or on facts as it is devoid of merits. This petitioner was a habitual absentee and his absent period was detailed below:

2006	74
2007	20
2008	46
2009	44
2010	110
2011	74 (till 31.07.2011).

(ii) The petitioner was served with show cause notice, dated 06-08-2011 for his absence since, 30-07-2011 during the year 2011, for which this petitioner has been directed to give his explanation within two days. In the abovesaid show cause notice, the details of his absence without permission in the previous period (*i.e.*, from 09-09-2003 to 19-04-2011) was also given and also details of his previous warnings, severe warning and suspension awarded as punishment were given by the respondent management clearly. This petitioner has submitted his reply letter, dated 19-08-2011 wherein, he has stated that due to his family problem, health problem and due to less salary, he was not able to attend the duty regularly. Though the respondent management was having right to impose punishment directly, it has not done so and it has decided follow the natural principles of justice and therefore, it has intimated that an enquiry is contemplated by appointing an Enquiry Officer and it was also intimated to this petitioner in its letter, dated 07-09-2011. This petitioner has attended the enquiry proceedings and he voluntarily admitted the charges and sought apology on 14-09-2011 before Enquiry Officer and signed in the daily order proceedings and the final report of the Enquiry Officer was submitted on 24-10-2011, wherein, the Enquiry Officer has held that the charges levelled against this petitioner stands proved. Therefore, the 2nd show caused notice, dated 02-11-2011 was issued and this petitioner has given his reply on 07-11-2011, wherein, also he has admitted the charges. After considering the past history of this petitioner, and after considering all the relevant factors and the circumstances, he was terminated from his service from 30-03-2012 onwards. This petitioner received the order of termination and thereafter, he has filed the petition to the Conciliation Officer on 11-08-2013 *i.e.*, after a span of 18 months. The respondent management has given its objection to the Conciliation Officer on 30-12-2013 and thereafter, reply was filed before the Conciliation Officer on 10-12-2014 by this petitioner and the Conciliation Officer also perused all those documents; and finally a failure report was issued on 18-05-2015 and it was published in the Gazette on 13-07-2015

and thereafter, it was referred to this Tribunal for adjudication. This petitioner was a regular and habitual absentee and the enquiry was conducted in a proper manner and thereafter, only he has been removed from service and therefore, this petition has to be dismissed.

4. On the side of the petitioner only one witness was examined and Ex.P1 to Ex.P7 were marked. On the side of the respondent two witnesses were examined and Ex.R1 to R43 were marked.

5. The petitioner side Counsel argued that this petitioner has rendered unblemished service to the management even then he was victimized and he has been removed from service on false charges and against the natural principles of justice and also against the rules and regulations of the management. It is argued by the petitioner Counsel that though this petitioner has filed the leave applications, for which he was entitled, the respondent management refused to give the eligible leave to this petitioner and further, it has threatened this petitioner and obtained the unconditional apology letters from this petitioner in an illegal manner for their convenience to remove this petitioner from the job. It is further, argued by the petitioner Counsel that such kind of unfair labour practice has been adopted by the respondent management to other employees also. It is argued by the petitioner Counsel that biased enquiry was conducted by the management on the vague charges and he was removed from the service against clause 25.6 of the standing order, in an unlawful manner and therefore, he has to be reinstated into service with all other monetary benefits.

6. The respondent Counsel argued that this petitioner was an habitual absentee and so many severe warnings and warnings were already given and further, he was punished with the suspension also. It is argued by the respondent Counsel that since his past record was very bad, the respondent management was unable to give any kind of leniency to this petitioner and he has been removed from the service only as a last resort. It is further, argued by the respondent Counsel that this petitioner has admitted all his charges of misconduct and therefore, he has been properly enquired and removed from service and therefore, this petition has to be dismissed with cost.

#### 7. *Points for consideration:*

Whether the dispute raised by this petitioner against the respondent management, over his non-employment is justified or not? and if justified, what is the relief that he was entitled for?

#### 8. *On the point:*

The pleading raised on the both sides and the evidences adduced on both sides and the exhibits marked on both sides were considered carefully. The written argument filed on the side of the respondent side was also carefully considered. The Counsel for the respondent filed the following judgments in support of his case.

1. W.P. (c) No. 4841/2018 (Del HC)
2. (2010) 5 SCC 775
3. 2010 LLR 913 (Guj HC)
4. 2009 (5) CTC 160 (Mad HC)
5. (2008) 5 MLJ 733 (Mad HC)
6. W.P.Nos. 1888 & 11704 of 2003 (Mad HC)
7. 2005 (6) Bom CR 1 (Bom HC)

9. The first and foremost argument submitted on behalf of the petitioner is that the respondent management acted, against this petitioner in an unlawful manner and the Enquiry Officer also acted a biased manner in favour of respondent management and the petitioner was not provided with a chance to cross examine the witnesses and the Enquiry Officer refused to receive and consider the documents that was filed on the side of this petitioner and the charges were also not clear and vague and therefore, the report of the Enquiry Officer should not be relied upon and therefore, the dismissal of this petitioner from his service is nothing but, a clear violation of natural justice and an arbitrary act of management and it was nothing but, clear case of retrenchment in clear violation under section 2 (oo) and section 25 (F) of ID Act. *Per contra*, the respondent side Counsel argued that this petitioner was chronic absentee and the charges levelled against him was proved before the Enquiry Officer and on the basis of his report and on consideration of the past records, this petitioner has been removed from service. It is further argued by the Counsel that the natural principles of justice was followed by the Enquiry Officer and there was no biased activity in his proceedings. It is further argued that since the petitioner himself has admitted the charges, he was estopped from making such a kind of allegation before this Tribunal and therefore, the dispute raised by him became unjustified. From and out of this argument, this Court considered that it is the prime duty of this Court to find out whether the preliminary enquiry was conducted in a biased manner or not? and whether, the natural justice was followed or not? and whether, the charges are clear or not? and whether, the charges are proved or not?

10. The petitioner has deposed that the show cause notice, dated 06-08-2011 was served to him and he has given explanation to the same on 19-08-2011 and as it was not up to the satisfaction of the management, enquiry notice, dated 07-09-2011 was supplied to him and therefore, he appeared before the Enquiry Officer on 14-09-2011. The show cause notice, dated 06-08-2011(Ex.R17), the written explanation letter given by the petitioner, dated 19-08-2011(Ex.R13) and the enquiry notice, dated 07-09-2011 (Ex.R14) were marked before this Court. From and the out these documents it seems that this petitioner was supplied with the charge sheet papers and the explanation given by him was also obtained by the management and thereafter, due to the non satisfaction arrived by the respondent/management the enquiry notice, dated 07-09-2011 (Ex.R14) was issued and thereafter only the enquiry proceeding were conducted on 14-09-2011 as per Ex.R15. It shows, before starting he enquiry proceedings all the formalities were clearly complied by the respondent management. It is the next plea of the petitioner Counsel that the charges were not clear and vague. The charge papers in this case was marked as Ex.R17. It has clearly mentioned the period of absence of the petitioner, the standing orders and the previous records of absence and the punishment awarded were also clearly mentioned in it. Further, it has offered time to this petitioner to give his explanation in this regard. On perusal of Ex.R17 it is found that the charges were clearly and found to be accurate. This Court found that there is no ambiguity are vagueness the in the charge-sheet. Therefore, the argument putforth by the petitioner's Counsel that the charge-sheet was very vague found to be un acceptable by this Court. On the side of the respondent management Ex.R19 was marked and it is nothing but, the attendance/payment details of this petitioner. On perusal of the abovesaid document, the following details emerges out from it

Sl. No.	No. of days absent	No. of days worked	Period
1	10	11	January 2011
2	09	04	February 2011
3	09	08	March 2011
4	07	14	April 2011
5	14	03	May 2011
6	14	08	June 2011
7	12	09	July 2011
8	08	09	August 2011
Total	83	66	

Further, as per the attendance register R19 his last date of attendance during July 2011 was 29-07-2011. Thereafter, this petitioner has attended the duty on 19-08-2011 only. That is, he was absent from 30-07-2017 till 19-08-2011. This petitioner has not filed any document to show that he was present to the duty in between 30-07-2011 to 19-08-2011. The abovesaid document Ex.R19 would goes to show that this petitioner was habitual absentee in each and every month and highly negligent in his duty. The clause 25.6, 25.12, 25.67 of the standing order of the Management runs as follows:

**Clause 25.6:** "Habitual absence without leave or absence without leave for more than 8 consecutive days, overstaying the sanctioned leave without satisfactory explanation".

**Clause 25.12:** "Negligence or neglect of work".

**Clause 25.67:** "Frequent repetition of any misconduct or omissions".

On comparison of the abovesaid document Ex.R19 and the standing orders of the respondent management, it is very clear that this petitioner has violated the standing orders and failed to comply the same by attending the duty regularly and carefully. The single document Ex.R19 clearly shows that this petitioner was highly absentee and highly negligent in performing his duty. It also shows that he was irregular in his duty and he is man of the nature taking leave or absence repeatedly. Thus, the misconduct on the part of this petitioner was clearly proved by the respondent management.

11. The petitioner has deposed that the Enquiry Officer was an Advocate and the management is having control over him, but to this aspect this petitioner has not produced any materials, and therefore, it was also not accepted by this Court as it is a bald allegation only. Further, this petitioner has deposed that he has sought for permission to take assistance from one of his colleague to assist him in the enquiry proceedings and it was denied by the Enquiry Officer. But, he has not even whispered the name of the assistant in his evidence before this Court who was sought for, to assist him in the enquiry proceedings. It proves that this petitioner is giving false evidence before this Court in this regard. Further, this petitioner deposed that he has explained his inability to attend the duty by mentioning the reasons such as his health problem, ill health for his wife, death of his uncle and ill fate of motor accident and all other circumstances. He has also deposed that has produced the relevant documents, like Medical Certificate to the Enquiry Officer and he alleged that the

enquiry officer failed to hear the reasons that was adduced by him, and failed to receive the documents that was produced before him. But, he has not deposed about the details of the document and he has failed to produce the supporting evidences in this aspect. To this aspect, he could very well examine his wife before this Court, but, even that was also not done by this petitioner. Therefore, this Court comes to the conclusion that this petition is adducing false evidence in order to save his case. On perusal of the enquiry report, dated 24-10-2011 marked as Ex.R20 in this case, it is found that this petitioner has voluntarily admitted the charges that was levelled against him. Further more, the Enquiry Officer also perused the evidence adduced by the respondent management, and the documents marked by them from Ex.M1 to M52. Therefore, the allegation levelled against the Enquiry Officer seems to be baseless. In addition to that this petitioner signed in every pages of the enquiry proceeding, dated 14-09-2011 which was marked as Ex.R15 in this case. Further more, on perusal of Ex.R13, dated 19-08-2011 also this Court found that this petitioner has very well admitted the charges levelled against him after the receiving of charge-sheet from the management. As he has already admitted his charge in his explanation letter, dated 19-08-2011 itself, he may not denied the said charges during the enquiry proceedings and there exists a possibility for it on the basis of probability theory. No supporting evidence is produced by him before this Tribunal in this aspect. Therefore, the allegation levelled against the Enquiry Officer and the enquiry proceedings are found to be baseless. The respondent management has further sent the second show cause notice, dated 02-11-2011 (R38) after the receipt of the enquiry report, dated 24-10-2011 (Ex.R20) and in his explanation for the 2nd show cause notice also this petitioner has admitted his guilty and his written explanation, dated 07-11-2011 which was marked as Ex.R16. The documents such as Ex.R13, 15, 20, 38 and R16 would goes to shows that this petitioner voluntarily admitted charges levelled against him and it would goes to shows that there is no biased activity in the enquiry proceedings. Hence, the allegation of biased act by the Enquiry Officer, violation natural principles of justice, violation of standing orders, raised by this petitioner found to be unacceptable and baseless; as he failed to prove the same by producing sufficient documents and evidence.

12. The petitioner has deposed that the Enquiry Officer has started his enquiry on 14-09-2011 and he has completed it on the same day itself and copy was not furnished him, but, on perusal of Ex.R15 and R20 it seems that the enquiry proceedings was not completed on a single day as alleged by this petitioner. The enquiry proceedings started on 14-09-2011 as per the Ex.R15 and

the report was filed on 24-10-2011 as per Ex.R20. Therefore, this Court come to the conclusion that the enquiry proceedings was not conducted in a hurried manner as alleged by the petitioner and the evidence given by this petitioner in this regard also found to be unacceptable and baseless. Therefore, the allegation of biased enquiry found to be incorrect by this Court from and out of the evidences available in this case.

13. Now, this Court inclined to consider whether, the charges are proved or not? In this regard, this Court inclined to go through the charge papers, dated 06-08-2011, wherein, it has been alleged that this petitioner was a chronic absentee and his previous records were also not good and this petitioner is having previous punishment of the nature of warnings, severe warnings and suspensions. As per Ex.R17, the charge-sheet, this petitioner was alleged as absentee during the following periods:

Year	Cumulative No. unauthorized of days of absence.
2006	74
2007	20
2008	46
2009	44
2010	106
2011	74
(Up to 31-07-2011)	

and he was given punishment as follows:

Action taken	Dated
Warned	09-09-2003
Warned	14-09-2006
Warned	12-08-2006
Suspended for 7 days	19-02-2007
Warned	13-06-2007
Warned	27-11-2007
Warned	26-03-2008
Warned	17-05-2008
Suspended for 15 days	03-02-2009
Severe Warned	28-11-2009
Severe Warned	25-03-2010
Severe Warned	15-06-2010
Severe Warned	20-12-2010
Severe Warned	20-01-2011
Severe Warned	10-02-2011
Severe Warned	19-04-2011

14. In this regard, this petitioner was cross examined by the respondent management side Counsel and during his cross-examination this petitioner clearly admitted that he was subjected to previous enquiry as per the show cause notice, dated 14-12-2006 (Ex.R1) and he was suspended as per the order, dated 19-02-2007 (Ex.R3). Further, he has admitted that he has been subjected to previous enquiry as per the show cause notice, dated 16-10-2008 and in the result of which he has been suspended on 03-02-2009 (Ex.R6). Further, he has deposed that he was subjected to a show cause notice, dated 28-06-2010 (Ex.R9). Further, he has also admitted that he was given warnings as follows:

Action taken	Dated	Exhibits
Warned	09-09-2003	Ex.R24
Warned	14-09-2006	Ex.R30
Warned	12-08-2006	Ex.R29
Warned	13-06-2007	Ex.R31
Warned	27-11-2007	Ex.R32
Warned	26-03-2008	Ex.R33
Warned	17-05-2008	Ex.R37
Severe Warned	28-11-2009	Ex.R35
Severe Warned	25-03-2010	Ex.R7
Severe Warned	15-06-2010	Ex.R8
Severe Warned	20-12-2010	Ex.R37
Severe Warned	20-01-2011	Ex.R11
Severe Warned	19-04-2011	Ex.R12

15. All these admissions made by this petitioner during his cross-examination are supported by the relevant document by the respondent management. It shows that his previous record was not good and he was a chronic absentee in his past period of service also. This petitioner has admitted the charges of continuous absent from 30-07-2011 till the date of issue of show cause notice, dated 06-08-2011 (Ex.R17) Further, he deposed that he has admitted the charges before the Enquiry Officer and given his admission letter in the presence of the Enquiry Officer as it was promised by the Enquiry Officer that no harm would result in his admission of charges. But, on perusal of records it is found that no such letter of admission of charges were found place in this case. It shows that this petitioner has not given any letter of admission charges before the Enquiry Officer. Hence, this Court come to the conclusion that this petitioner is going to the extend of degrading the Enquiry Officer in order to save his service in the respondent management by giving false evidence as if, he filed the letter of admission to the Enquiry Officer. Further, he has admitted that he was

absent for 74 days during 2006, for 20 days during 2007, for 48 days during 2008, for 44 days during 2009, for 106 days during 2010 and for 74 days during 2011 (till 30th July). This clear version of admission before this Court, during his cross-examination would go to show that he was chronic absentee, not only in the present but, in the past also. Further more, the respondent side witness, RW.1 has also deposed that the petitioner was a chronic absentee during his present and past service in the management, resulted in difficulty in duty roster, in deputing substitute workman in his place and thereby causing much hindrance to the day to day affairs of the factory. He has also deposed that his absence was reported to the disciplinary authorities through proper channel and he has also confirmed his previous punishments. Hence, analyzing all these aspects, records and the circumstances, this Court come to the conclusion that the charges levelled against the petitioner found to be proved.

16. Now, let us pass on to the decision on the punishment of termination given to this petitioner. This Court has to decide whether it is proportionate or not? or it is excessive for the misconduct of absenteeism. In this aspect, this Court inclined to pass on to the citations produced by the respondent side Counsel. The citations reported in W.P. (C) No. 4841/2018 (Del HC), dated 12-05-2018 was considered. Wherein, the 13th paragraph runs as follows:

In view of this settled position in law, the High Court/Tribunal cannot interfere with the discretion exercised by the Disciplinary Authority/Appellate Authority unless such discretion suffers from illegality or material procedural irregularity as that would shock the conscience of the High Court/Tribunal.

17. Similarly, the Judgment reported in (2010) 5 SCC 755 was also considered wherein, the 14th para runs as follows:

The question of long absence of the workman and his consequent termination came up for consideration before the Hon'ble Supreme Court in Delhi Transport Corporation Vs. Sardar Singh 2004 (7) SCC 576 and it was held that when an employee absents himself from duty even without sanctioned leave for a very long period, it *prima facie* shows the lack of interest in work. It was further, held that the conclusion regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly when the same is unauthorized. However, the burden is on the employee, who claims that there was no negligence or lack of interest established by placing relevant material.

18. From and the out of these two citations, it is found that normally the Tribunal cannot interfere with the discretion exercised by the disciplinary authority but, it can interfere if, such discretion suffers illegality and arbitrary. Here, in this case as per the charge-sheet this petitioner was already given warnings as nearly as 14 times further, he has been suspended for two times and this petitioner seems to be chronic absentee therefore, the punishment of termination need not be interfered as per the abovesaid citation. The petitioner side Counsel submitted the citation reported in 2008 5 MLJ 733 wherein, the 4 para runs as follows:

The first respondent, who was working as a Kalasi, was charge-sheeted by a charge memo, dated 27-07-1999 in terms of rule 9 of the Railway Servants (Discipline and Appeal) Rules, 1968. The charge against him was that during the year 1998, he was absent from duty for nearly 181 days and in the year 1999, from January to July alone, he was absent for 136 days. Within a period of 1½ years, he had absented himself from duty for more than 317 days. A departmental enquiry was ordered against him. Though, he was offered the assistance of a co-employee, he defended himself without any assistance. When he was questioned in the enquiry with reference to his absence, he informed that his wife was a Tb patient and he had to take care of her which resulted in his absence. He also stated that since he was having family problem, he could not inform his superior about his absence. The muster roll extract showing his attendance was produced in the enquiry. He also accepted the charge against him and stated that in future, he will attend properly. The Senior Divisional Electrical Engineer, on the basis of the said findings, called for his further, explanation. "The same was not forth coming from the first respondent and therefore, by an order, dated 01-08-2000, he was removed from service with effect from 25-08-2000. The first respondent filed an appeal, dated 21-08-2000 and the second petitioner dismissed the appeal *vide* order, dated 24-11-2000 confirming the punishment order. Thereafter, the first respondent preferred a revision petition and the revisional authority, *viz.*, the first petitioner, dismissed the revision by an order, dated 10-07-2001.

19. In the abovesaid case the workman was removed from the service for his habitual absenteeism. In the present case also this petitioner was a chronic absentee therefore, as per the abovesaid citation also this Court come to the conclusion that the order of termination need not be interfered by this Court. Hence, this Court come to the conclusion that the punishment of termination given to this petitioner found as correct and sufficient and not excessive.

20. In the result, the industrial dispute raised by this petitioner against, the management, over his non-employment is decided as unjustified and it is further, decided that this petitioner is not entitled for any other monetary relief. Hence, this industrial dispute is dismissed. No cost.

Dictated to Stenographer, transcribed by him, corrected and pronounced by me in the Open Court on this the 9th day of October, 2019.

**V. PANDIARAJ,**  
Presiding Officer,  
Industrial Tribunal-cum-  
Labour Court, Puducherry.

*List of petitioner's witness:*

PW.1 — 28-09-2017 Ponnurangam

*List of petitioner's exhibits:*

Ex.P1 — 29-03-2004 Order of Confirmation.

Ex.P2 — Pay Slip.

Ex.P3 — The Employees Provident Fund Scheme, 2010-2011.

Ex.P4 — Referral Slip 2 Nos., dated 05-05-2008 and 19-11-2002.

Ex.P5 — 05-05-2008 Medical Certificate issued by I.G.G.G. Hospital, Puducherry.

Ex.P6 — Medical Certificate issued GDMO, PHC, Thalavakuppam - 2 Nos., dated 17-02-2008 and 26-07-2008.

Ex.P7 — Final Certificate issued by ESI, Puducherry, 6 Nos..

*List of respondent's witness:*

RW.1 — 24-04-2018 Yacob Sharief

*List of respondent's exhibits:*

Ex.R1 — 14-12-2006 Show cause notice issued to the claim petitioner.

Ex.R2 — 06-01-2007 Enquiry proceedings initiated against the claim petitioner.

Ex.RS — 19-02-2007 Suspension order issued to the claim petitioner.

Ex.R4 — 25-04-2007 Order issued to the claim petitioner.

Ex.R5 — 18-11-2008 Enquiry proceedings initiated against the claim petitioner.

Ex.R6 — 03-02-2009 Suspension order issued to the claim petitioner.



Ex.R7 — 25-03-2010	Severe warning letter issued to the claim petitioner.	Ex.R28 — 22-12-2003	Severe warning letter issued to the claim petitioner.
Ex.R8 — 15-06-2010	Severe warning letter issued to the claim petitioner.	Ex.R29 — 12-08-2006	Warning letter issued to the claim petitioner.
Ex.R9 — 28-06-2010	Show cause notice issued to the claim petitioner.	Ex.R30 — 14-09-2006	Warning letter issued to the claim petitioner.
Ex.R10 — 07-09-2010 09-11-2010	Phonogram issued to the claim petitioner.	Ex.R31 — 13-06-2007	Warning letter issued to the claim petitioner.
Ex.R11 — 20-01-2011	Severe warning letter issued to the claim petitioner.	Ex.R32 — 27-11-2007	Warning letter issued to the claim petitioner.
Ex.R12 — 19-04-2011	Severe warning letter issued to the claim petitioner.	Ex.R33 — 26-03-2008	Warning letter issued to the claim petitioner.
Ex.R13 — 19-08-2011	Written explanation of the claim petitioner.	Ex.R34 — 17-05-2008	Warning letter issued to the claim petitioner.
Ex.R14 — 07-09-2011	Notice of enquiry issued to the claim petitioner.	Ex.R35 — 28-11-2009	Severe warning letter issued to the claim petitioner.
Ex.R15 — 14-09-2011	Enquiry proceedings initiated against the claim petitioner.	Ex.R36 — 19-11-2010	Enquiry proceedings of the claim petitioner.
Ex.R16 — 07-11-2011	Written explanation of the claim petitioner to the 2nd show cause notice, dated 02-11-2011.	Ex.R37 — 20-12-2010	Severe warning letter issued to the claim petitioner.
Ex.R17 — 06-08-2011	Charge-sheet- <i>cum</i> -show cause notice issued the claim petitioner.	Ex.R38 — 02-11-2011	Second show cause notice issued to the claim petitioner.
Ex.R18 — 10-08-1999	Inter office memorandum.	Ex.R39 — 12-09-2013	Notice of remarks of the Labour Officer (Conciliation), Puducherry along with the letter, dated 11-08-2013 of the claim petitioner.
Ex.R19 — 01-01-2011 31-08-2011	Attendance register of the respondent management along with salary slip of the claim petitioner.	Ex.R40 — December 2013	Reply of the Respondent Management to the Labour Officer (Conciliation), Puducherry.
Ex.R20 — 24-10-2011	Enquiry report.	Ex.R41 — 10-02-2014	Complaint of the claim petitioner. to the Labour Officer (Conciliation), Puducherry on his non-employment.
Ex.R21 — 30-03-2012	Order of termination issued to the claim petitioner.	Ex.R42 — 18-05-2015	Failure of conciliation over the industrial dispute raised by the claim petitioner.
Ex.R22 — 30-03-2012	Paper publication.	Ex.R43 — 13-07-2015	Notification by Government of Puducherry in Gazette.
Ex.R23 — 17-06-2003	Advise letter issued to the claim petitioner.		
Ex.R24 — 09-09-2003	Warning letter issued to the claim petitioner.		
Ex.R25 — 16-10-2003	Advise letter issued to the claim petitioner.		
Ex.R26 — 01-11-2003	Warning letter issued to the claim petitioner.		
Ex.R27 — 04-11-2003	Warning letter issued to the claim petitioner.		

**V. PANDIARAJ,**  
Presiding Officer,  
Industrial Tribunal-*cum*-  
Labour Court, Puducherry.